

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, :

-v- : **S2 07 Cr. 1150 (VM)**

ARSENIO RODRIGUEZ, et. ano. : **DECLARATION OF
DEFENDANT IN SUPPORT
OF MOTION**

:

Defendant. :

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**STATE OF NEW YORK)
COUNTY OF KINGS) SS.:**

**DECLARATION OF ARSENIO RODRIGUEZ
IN SUPPORT OF MOTION**

ARSENIO RODRIGUEZ, hereby affirms and swears under the penalty of perjury:

1. I am the defendant in the above entitled action.
2. I am a Spanish speaker.
3. On April 28, 2004 at approximately 10:00 am, I was waiting for my girlfriend in the vicinity of 92nd Street and Roosevelt Avenue. My girlfriend had a doctor's appointment at Columbia-Presbyterian Hospital in Manhattan.
4. While waiting for her, two men jumped into my car, each with a weapon pointed at me, and told me to drive off. The two men were also each holding a luggage bag.
5. After driving for a short time, I attempted to drive the car into a garbage truck that was parked on the street.
6. At that point, the two men jumped out of my vehicle and began running.

7. I noticed a police vehicle on the street and drove my vehicle towards the police officer.
8. I exited my vehicle to have a conversation with the police officer.
9. Right before I began the conversation with the officer, other police officers approached me with their guns drawn. I was told to get down on the street and was handcuffed behind my back.
10. The officers then went to my car and apparently found the weapons that were pointed at me by the men who previously entered my car.
11. While being handcuffed on the street, I was apparently identified by a victim of a robbery that I knew nothing about.
12. Later, I was questioned by the police without understanding of my rights.
13. The police who approached me with their guns drawn had no valid reason to act in the manner that they did. I did not do anything wrong.

/s/ Arsenio Rodriguez
ARSENIO RODRIGUEZ

Sworn to before me this

Day of , 2008

Notary Public